

Human Rights Brief

Volume 12 | Issue 3

Article 15

2005

Alumni Profile

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Recommended Citation

Palomino, Natalie. "Alumni Profile." Human Rights Brief 12, no. 3 (2005): 49-50.

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ALUMNI PROFILE



DR. ALEJANDRO PONCE-VILLACÍS, a 1994 L.L.M. Washington College of Law (WCL) graduate, strives to promote human rights and incorporate them into the legal education system in Ecuador. In 1993, Dr. Ponce-Villacís received his law degree at the Universidad Católica del Ecuador. Following his graduation, his *alma mater* immediately offered him a position teaching family law. Although teaching originally had not been in Dr. Ponce-Villacís' career plans, he is thankful for that opportunity because teaching has become his greatest passion.

In 1994, after teaching for a year, Dr. Ponce-Villacís befriended an American human rights attorney working in Quito, Ecuador. The attorney was a WCL graduate whose continued praise of the law school led Dr. Ponce-Villacís to take time off from teaching to enter WCL's L.L.M. program. During his studies at WCL, Dr. Ponce-Villacís helped found the Human Rights Brief and was active in several human rights projects. He also worked as a visiting attorney with the Center for Human Rights Legal Action, a non-profit organization that promotes and implements rule of law programs.

In conjunction with the Center for Human Rights Legal Action, Dr. Ponce-Villacís successfully filed a complaint with the Inter-American Commission on Human Rights (Commission) against Ecuador on behalf of Rafael Ivan Suarez-

Rosero. This groundbreaking case was the first contentious case filed against Ecuador with the Commission and the first case in which a victim testified before the Inter-American Court on Human Rights (Court). In June 1992, police arrested Mr. Suarez-Rosero during a major drug interdiction operation. At the time of his arrest, no drugs were found on or near Mr. Suarez-Rosero. He was held *incommunicado* without charges or presentation to a judge for more than a month. After a trial judge ordered that he be held in preventive detention, Mr. Suarez-Rosero remained incarcerated without trial until April 1996, nearly four years after his arrest. The Inter-American Court heard Mr. Suarez-Rosero's case and in 1997 decided that Ecuador had arrested Mr. Suarez-Rosero illegally and had detained him *incommunicado* for an unreasonable time period. The Court also ruled that Ecuador had deprived Mr. Suarez-Rosero of his liberty by denying him his right to a hearing and a fair trial and ordered Ecuador to pay him damages.

According to Dr. Ponce-Villacís, cases like Mr. Suarez-Rosero's are common in Ecuador's criminal justice system. Ecuador's law codifies unfair practices, such as denying the rights to a defense and to an attorney. The lack of a clear division of labor between the courts and law enforcement leads to a great deal of impunity and illegal detention. For instance, judges in criminal trials are not only responsible for deciding the case, but also are involved in the preliminary criminal investigation of the case. When deciding a case, judges examine evidence against the accused that they personally collected, which raises a substantial conflict of interest. There have been efforts to reform the system, but operational processes and the conduct of law enforcement and judges remain unchanged. Two additional plaintiffs have filed cases before the Court highlighting the weaknesses inherent in Ecuador's criminal justice system.

The Suarez-Rosero case is not the only landmark case in which Dr. Ponce-Villacís has been involved. Following the 1973

coup in Chile when General Augusto Pinochet took power, many opponents of the new government were tortured and disappeared. Although General Pinochet is no longer in power, he has yet to be held accountable for human rights violations that occurred during his rule. In addition to the many Chileans tortured and killed during the Pinochet dictatorship, four Ecuadorians, Jose Felix Garcia Franco, Felipe Porfirio Campos Carrillo, Freddy Jimmy Torres Villalba, and Socrates Ponce Pacheco, were murdered or disappeared. In November 1997, General Pinochet visited Ecuador in a non-official capacity. Recognizing a rare opportunity, Dr. Ponce-Villacís and a number of non-governmental organizations (NGOs) filed a complaint against Pinochet in the Ecuadorian Supreme Court. The complaint alleged that in all four cases, General Pinochet obstructed ongoing investigations of the crimes and the prosecution of those responsible. Although Ecuador's Supreme Court President chose not to move forward on the charges, losing the historic chance to be the first to indict Pinochet, the case was instrumental in establishing universal jurisdiction in Ecuador's judicial system.

In addition to his involvement in the aforementioned landmark cases, Dr. Ponce-Villacís has been instrumental in promoting human rights law in the Ecuadorian legal education system. During Dr. Ponce-Villacís' undergraduate and legal studies in Ecuador, the study of human rights was not part of the curriculum or even mentioned in international courses. In 1999, Universidad San Francisco in Quito offered Dr. Ponce-Villacís a teaching position. Dr. Ponce-Villacís now teaches human rights law and international law, as well as a public interest clinic. His clinic is structured much like the clinical program at WCL and allows students to act as lead counsel on cases. In 2002, Universidad San Francisco offered Dr. Ponce-Villacís a permanent professorship, a rare position in Ecuador, and has been supportive of his human rights endeavors. Today, due in part to Dr. Ponce-Villacís' drive to create a

human rights culture in Ecuador, Universidad San Francisco offers human rights as a minor degree. Additionally, most universities in Quito have taken part in the annual Inter-American Moot Court Competition held at WCL, demonstrating that Dr. Ponce-Villacís' efforts to promote human rights as part of the legal curriculum have been successful.

Dr. Ponce-Villacís is also involved in a number of other activities. He has consulted for the United Nations Children's Fund and the United Nations Development Program on human rights issues. Between 1998 and 2002, Dr. Ponce-Villacís represented indigenous people from Achuar, Ecuador, in their opposition to the environmental impact of commercial oil extraction in their region. Dr. Ponce-Villacís finds time to publish a weekly column in the Ecuadorian-based newspaper, *La Hora*, and has written a number of law review articles, including "Enforcement of Economic, Social, Cultural and Collective Rights" in *Revista Juris Dictio* no. 5, Colegio de Jurisprudencia de la Universidad San Francisco de Quito, March 2002. Additionally, Dr. Ponce-Villacís contributed a chapter in *Derecho Internacional de los Derechos Humanos* published by the Academy of Human Rights in Mexico. Dr. Ponce-Villacís recently met with a number of NGOs and representatives from the Inter-American Commission in Washington, D.C. to encourage greater enforcement by the Commission over state action.

Through his work, Dr. Ponce-Villacís continues to be influential in advancing human rights in Ecuador and elsewhere. When asked about the future, Dr. Ponce-Villacís responds that he plans to continue his passion for teaching and promoting human rights. The *Human Rights Brief* is honored to have Dr. Ponce-Villacís as a founder and supports his important endeavors.

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Natalie Palomino, a J.D. candidate at the Washington College of Law, covers the Alumni Profile for the Human Rights Brief.

The War Crimes Research Office, established in 1995 to provide legal research and analysis to international criminal tribunals, celebrates its 10th anniversary on September 30, 2005, with a day-long conference examining *The Next Era of War Crimes Tribunals*. Join experts and practitioners of international criminal and humanitarian law to reflect on the past, present, and future of international war crimes tribunals and to recognize those who played a role in helping the WCRO contribute to increased accountability for serious international crimes.

Panel topics will include examinations of successes and challenges of the international criminal tribunals, current issues and jurisprudential developments, and the role of human rights and humanitarian law in promoting international criminal justice.

THE NEXT ERA OF WAR CRIMES TRIBUNALS

FRIDAY, SEPTEMBER 30, 2005

9:00 A.M. – 6:00 P.M.

(Reception to follow)

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